THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16973 of 1999

ORAL ORDER:

This writ petition is filed challenging the award made in I.D.No.190 of 1995 dated 2.7.1997 on the file of first respondent-Labour Court.

Petitioner is workman and second respondent is management. It appears, petitioner was Conductor in respondent-Corporation. On 24.9.1993, while he was conducting the Bus on route Madanapally to Srikalahasti, a check was exercised and certain cash and ticket irregularities were found by the checking officials. After conducting a detailed enquiry into the matter, petitioner was removed from service. Challenging the same, he raised a dispute under Section 2-A(2) of the Industrial Disputes Act, 1947 before the first respondent-Labour Court. The respondent management filed a detailed counter denying the allegations made by the petitioner and asserted that the enquiry was properly conducted and punishment of removal from service was proportionate to that of the misconduct. The Labour Court, on a detailed consideration of the entire material placed before it, came to the conclusion that charge No.1 was not proved and charge No.2 stands proved, therefore, held that the punishment of removal from service is not proportionate to that of the misconduct and as such directed the management to reinstate the petitioner into service with continuity of service, but without any backwages and attendant benefits and further directed to impose punishment of stoppage of one increment with cumulative effect. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner strenuously contended that once the Labour Court came to the conclusion that charge No.1 is not proved, automatically charge No.2 was also not proved, therefore, ought to have directed for reinstatement of petitioner with continuity of service and with

full backwages.

Whereas the learned counsel appearing for respondent-management Mrs.W.V.S.Rajeswari submitted that once the second charge is proved, petitioner does not deserve any relief from this Court. Apart from that, petitioner's past conduct was not clean. He was suspended several times and his increments were deferred for (26) times and he was removed from service once. Further, the Labour Court itself took a lenient view of the matter and granted relief. I am in full agreement with the submissions made by the learned counsel for respondent. The Labour Court, in the facts and circumstances of the case, felt it desirable to impose some punishment, as such, directed the management to impose stoppage of one increment with cumulative effect. I am of the opinion that the Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 19.12.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16973 of 1999

19.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.16973 of 1999

Date: 19th December, 2007

Between:

S.Rama Murthy

.. Petitioner

And

Industrial Tribunal-cum-Labour Court,
Ananthapur, rep. by its Presiding Officer,
& another.

.. Respondents